



१८६५  
१८६५

# भारत का राजापत्र

## The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं ५३०। नई विल्हेमी, मंगलवार, दिसम्बर 11, 1990/ग्राहायण 20, 1912  
No. 530] NEW DELHI, TUESDAY, DECEMBER 11, 1990/AGRAHAYANA 20, 1912

इस भाग में भिन्न पृष्ठ संख्या वो जाती है जिससे यह अलग संकलन के रूप में  
रखा जा सके

**Separate Paging is given to this Part in order that it may be filed as a  
separate compilation**

### रेल मंत्रालय

(रेलवे बोर्ड)

अधिसूचना

नई दिल्ली, 11 दिसम्बर, 1990

सा. का. नि. 942 (म).—केन्द्रीय सरकार, रेल अधिनियम, 1989  
(1989 का 24) की धारा 87 की उपधारा (2) के बंध (ज) और  
(म) द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है; अधीनि. :—

#### 1. संक्षिप्त नाम और प्रारम्भ:

1. इन नियमों का संक्षिप्त नाम खुला परिदान देने की रीति  
और अधिकारी परिदान प्रमाण-पत्र प्रदान विहिन किया जाना,  
नियम 1990 है।

2. ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

#### 2. परिभाषा :

इन नियमों में, जब तक कि संदर्भ से अव्याधा अपेक्षित न हो,—

(क) "अधिनियम" में रेल अधिनियम, 1989 (1989 का 24)  
अधिनियम है।

(ख) "खुला परिदान" से ऐसे परेषण का परिदान अभिप्रेत है जो  
परेषिती या पृष्ठांकिती की मांग पर रेल प्रशासन द्वारा तब  
दिया जाता है जब ऐसा परेषण अनियन्त्रित अवस्था में  
पहुँचता है या उस पर चिनाहे जाने के मिलते हैं।

(ग) "अधिकारी परिदान" से जब सम्पूर्ण परेषण गतिश्च रखान पर  
नहीं पहुँचा हो तब परेषण के एक भाग का परिदान अभिप्रेत  
है।

(घ) "अनुसूची" से इन नियमों की अनुसूची अधिष्ठित है;

(इ) उन शब्दों और पदों के जो इन नियमों में प्रयुक्त हैं और  
किन्तु परिभाषित नहीं हैं, और जो अधिनियम में परिभाषित  
हैं, वही अर्थ होंगे जो उनके क्रमशः उस अधिनियम में है।

#### 3. परेषण का खुला परिदान:

जब कोई परेषण गतिश्च स्टेशन पर क्षतिग्रस्त अवस्था में पहुँचता है  
या उसे चिनाहे जाने के मिलते हैं तो परेषिती या पृष्ठांकिती इन  
नियमों के अनुसार ऐसे परेषण के खुले परिदान के लिए रेल प्रशासन से  
नियमित रूप में अनुरोध कर सकता।



2. They shall come into force on the date of their publication in the official Gazette.

## 2. Definition :

In these rules unless the context otherwise requires :—

(a) "Act" means the Railways Act, 1989 (24 of 1989) ;

(b) "Open Delivery" means delivery of a consignment given by railway administration on the demand of the consignee or endorsee when such consignment arrives in a damaged condition or shows signs of having been tampered with".

(c) "Partial Delivery" means delivery of a part of the consignment where the whole consignment has not arrived at the destination ;

(d) "Schedule" means the Schedule to these rules ;

(e) words and expressions used herein and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

## 3. Open delivery of consignment .

Where any consignment arrives at the destination station in a damaged condition or shows signs of having been tampered with, the consignee or the endorsee may make a request in writing to the railway administration for open delivery of such consignment, in accordance with these rules.

Provided that any assessment of the extent of damage shall not prejudice the rights of the railway administration to repudiate its liability under the Act.

## 4. Condition subject to which open delivery of a damaged consignment shall be given :

A railway administration may give open delivery of a damaged consignment subject to the condition that the extent of damage to the consignment shall be assessed by the railway servant granting such open delivery on the basis of visual examination and such other chemical or physical tests as he may deem necessary.

## 5. Conditions subject to which open delivery of tampered consignments shall be given .

A railway administration may give open delivery of tampered consignments subject to the following conditions namely :—

(1) Assessment of the extent of shortage shall be done by the railway servant granting open delivery after comparing the details of the consignment booked for carriage as recorded in the railway receipt produced by consignee or the endorsee.

(2) The extent of shortage may, also, either be assessed, by physical counting of the packages and their contents forming the consignment, or by weighment.

## 6. Assessment of the value of damage or shortage .

The consignee or the endorsee shall produce the original trade invoice or beejuck or puttee or any other documentary proof indicating the contents and value of the consignment to enable the railway servant granting open delivery to compute the shortage or damage.

## 7. Imported Consignments .

With respect to imported consignments open delivery under rules 4 and 5, shall be given subject to the consignee or endorsee producing the Forwarding Agents clearance bill and if such consignments have been surveyed then, the survey report of such consignments.

## 8. Record of open delivery :

(1) The record of open delivery shall be maintained in the form specified in Schedule I with respect to each consignment.

(2) A copy of the form referred to in sub rule 1 shall be provided to the consignee or the endorsee as the case may be.

## 9. Partial Delivery Certificate :

Where partial delivery is given the railway administration shall furnish to the consignee or endorsee a Partial Delivery Certificate as specified in Schedule II.

[No. 89-TCIIJ|29|2|RA|89(Sec. 81)]

S. K. MALIK,  
Director, Traffic Commercial (Claims) Railway Board.

**SCHEDULE-I**

(See Rule 4 &amp; 5)

**RECORD OF OPEN DELIVERY OF CONSIGNMENT**

No. \_\_\_\_\_ Dated \_\_\_\_\_ Station Stamp  
 From \_\_\_\_\_ To \_\_\_\_\_  
 Via \_\_\_\_\_ Invoice No. \_\_\_\_\_  
 R. R. No. \_\_\_\_\_ dated \_\_\_\_\_  
 Consignment of \_\_\_\_\_ Wagon No. \_\_\_\_\_  
 Sender \_\_\_\_\_ Consignee|Endorsee \_\_\_\_\_  
 Remarks on the R. R.  
 Actual condition of packing found at the time of giving open delivery (wherever relevant) \_\_\_\_\_  
 Delivery remarks (Extent of Damage|Shortage and how arrived at) \_\_\_\_\_

Name of consignee|endorsee|or his authorised representative

Full Address \_\_\_\_\_

**SCHEDULE-II****PARTIAL DELIVERY CERTIFICATE**

(See Rule 9)

The \_\_\_\_\_ Railway has delivered number of packages of \_\_\_\_\_ forming part of the consignment booked from \_\_\_\_\_ to \_\_\_\_\_ via \_\_\_\_\_ under Invoice No. \_\_\_\_\_ Railway Receipt No. \_\_\_\_\_ dated \_\_\_\_\_ consisting of \_\_\_\_\_ packages of \_\_\_\_\_

Signature in full of the consignee|endorsee or his authorised representative taking open delivery with date \_\_\_\_\_ Signature in full of the Railway Servant, with designation, granting open delivery \_\_\_\_\_

Signature in full of the Railway servant, with designation, granting partial delivery.

S. K. MALIK,  
Director, Traffic Commercial (Cl.) Railway Board.